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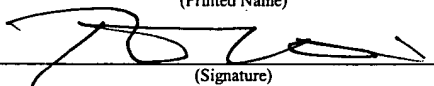
IFW

Atty. Dkt. No. 065686-0156

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Masatsugu OGAWA

**Title:** INFORMATION RECORDING MEDIUM,  
METHOD OF GENERATING FLAG,  
METHOD OF PRODUCING  
INFORMATION RECORDING MEDIUM,  
METHOD OF ADJUSTING RECORDING  
CONDITIONS OF INFORMATION  
RECORDING MEDIUM, METHOD OF  
RECORDING FOR INFORMATION  
RECORDING MEDIUM AND  
INFORMATION RECORDING DEVICE

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 830406647 US (Express Mail Label Number)	June 27, 2006 (Date of Deposit)
Ruthie Vallejo (Printed Name)	
 (Signature)	

**Appl. No.:** 10/620,577

**Filing Date:** 7/17/2003

**Examiner:** Haley, Joseph R.

**Art Unit:** 2653

**Confirmation Number:** 8852

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

### **STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

**RELEVANCE OF EACH DOCUMENT**

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The listed U.S. references were cited in the family of related patents corresponding to Japanese patent publications 2000-231727 and 2003-203341.

\*\*\*\*\*

The Examiner in the corresponding Japanese patent application has commented as follows:

C. The inventions related to Claims 1–12, 30, and 32 of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the inventions belong prior to the filing of this application based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the filing of this application, and therefore cannot receive a patent according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note

Cited literature:

1. Japanese Unexamined Patent Application Publication  
2000-231727

Regarding the inventions related to Claims 1 and 12

Cited Example 1 describes an arrangement whereby the optimal asymmetry value is recorded on an optical disk for each

recording device (see paragraph numbers 0187, 0232, 0235, and 0236 and Figures 34 and 35).

Here, it is obvious that asymmetry values need to be compared under two or more conditions in order to obtain the “optimal” asymmetry values.

Furthermore, it is obvious that cases where the “information recording device” records “information related to the adjustment of recording conditions” on an information recording medium would also constitute an arrangement whereby, after the recording, “the information related to adjustment of recording conditions will be recorded at a prescribed location of the information recording medium as information readable by the information recording device.”

Regarding the inventions related to Claims 2 and 3

Insofar as the basis for why a remarkable effect is achieved by the arrangement described in these claims is unclear (see the discussion relating to paragraph numbers 0047–0057 under reason for rejection B above), it is impossible to find any remarkable difference from the invention of Cited Example 1.

Regarding the inventions related to Claims 4 and 5

Recording the optimal asymmetry values for each recording device clearly indicates that these recording devices are able to use the asymmetry values for OPC.

Furthermore, with respect to the rest of the arrangement, see the discussion concerning the inventions related to Claims 1–3 and 12.

Regarding the inventions related to Claims 6–9

Recording the optimal asymmetry values for each recording device clearly indicates that these recording devices are able to use the asymmetry values for OPC.

Furthermore, with respect to the rest of the arrangement, see the discussion concerning the inventions related to Claims 2 and 3.

Regarding the inventions related to Claims 10 and 11

Using a recording device at a plurality of recording speeds does not go beyond the common practice.

Regarding the inventions related to Claims 30 and 32

Recording the optimal asymmetry values for each recording device clearly indicates that these recording devices are able to use the asymmetry values for OPC.

D. The inventions related to Claims 1–19, 30, and 32 of the present application cannot receive a patent, in accordance with the stipulations of Article 29 *bis* of the Patent Law, because said inventions are identical to inventions which were recited in the specification or drawings first appended to the patent application

indicated below, which is a patent application of an earlier date than the date of filing of the present application and which was published as an unexamined application publication after the filing of the present application; the inventor of the present application is not the same as the person who made the aforementioned invention of the earlier filed patent application; and the applicant of the present application at the time of its filing was not identical to the applicant of the aforementioned patent application.

Note

Prior application:

2. Japanese Patent Application 2002-292942 (Japanese Unexamined Patent Application Publication 2003-203341)

(The priority date of Prior Application 2 is also earlier than the priority date of the present application)

Regarding the inventions related to Claims 1 and 12

See paragraph numbers 0028, 0032, 0033, and 0041, and Figure 3 of Prior Application 2.

Here, it is obvious that asymmetry values need to be compared under two or more conditions in order to obtain the “recommended values (recording optimization information)” of the asymmetry values.

Regarding the inventions related to Claims 2 and 3

Insofar as the basis for why remarkable significance is to be found in the arrangement described in these claims is unclear (see the discussion relating to paragraph numbers 0047–0057 under reason for rejection B above), it is impossible to find any remarkable difference from the invention of earlier filed application 2.

Regarding the inventions related to Claims 4 and 5

Recording the “recommended values (recording optimization information)” of the asymmetry values clearly indicates that the asymmetry values can be used for OPC.

Furthermore, with respect to the rest of the arrangement, see the discussion concerning the inventions related to Claims 1–3 and 12.

Regarding the inventions related to Claims 6–11

Recording the “recommended values (recording optimization information)” of the asymmetry values clearly indicates that the asymmetry values can be used for OPC.

Furthermore, with respect to the rest of the arrangement, see the discussion concerning the inventions related to Claims 1–3 and 12.

Regarding the inventions related to Claims 13–19

Recording the “recommended values (recording optimization information)” of the asymmetry values clearly indicates that the asymmetry values can be used for OPC.

Furthermore, with respect to the rest of the arrangement,  
see the discussion concerning the inventions related to Claims 1-3  
and 12.

Regarding the inventions related to Claims 30 and 32

Recording the "recommended values (recording  
optimization information)" of the asymmetry values clearly  
indicates that the asymmetry values can be used for OPC.

\*\*\*\*\*

The Commissioner is hereby authorized to charge any additional fees which may be  
required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to  
Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check  
being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even  
entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit  
Account No. 50-0872.

Respectfully submitted,

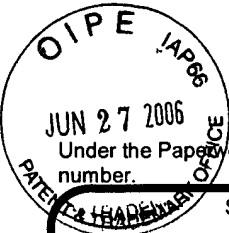
Date 6-27-06

By David A. Blumenthal

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Substitute for form 1449B/PTO  
**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: June 27, 2006

(use as many sheets as necessary)

**Complete if Known**

Application Number	10/620,577
Filing Date	7/17/2003
First Named Inventor	Masatsugu OGAWA
Group Art Unit	2653
Examiner Name	Haley, Joseph R.
Attorney Docket Number	065686-0156

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	US2003/0086345	A1	Ueki	05-08-2003	
	A2	US 6,157,609	A	Shoji et al.	12-05-2000	
	A3	US 6,175,541	B1	Shoji et al.	01-16-2001	
	A4	US 6,178,148	B1	Shoji et al.	01-23-2001	
	A5	US 6,181,654	B1	Shoji et al.	01-30-2001	
	A6	US 6,188,656	B1	Shoji et al.	02-13-2001	
	A7	US 6,212,142	B1	Shoji et al.	04-03-2001	
	A8	US 6,233,211	B1	Shoji et al.	05-15-2001	
	A9	US2001/0005343	A1	Shoji et al.	06-28-2001	
	A10	US 6,349,081	B1	Shoji et al.	02-19-2002	
	A11	US 6,359,846	B1	Shoji et al.	03-19-2002	
	A12	2005/0180286	A1	Shoji et al.	08-18-2005	
	A13	2005/0185558	A1	Shoji et al.	08-25-2005	
	A14	2005/0201241	A1	Shoji et al.	09-15-2005	
	A15	US 6,101,159	A	Shoji et al.	08-08-2000	
	A16	US 6,157,609	A	Shoji et al.	12-05-2000	
	A17	US 6,175,541	B1	Shoji et al.	01-16-2001	
	A18	US 6,178,148	B1	Shoji et al.	01-23-2001	
	A19	US 6,181,654	B1	Shoji et al.	01-30-2001	
	A20	US 6,188,656	B1	Shoji et al.	02-13-2001	
	A21	US 6,212,142	B1	Shoji et al.	04-03-2001	
	A22	US 6,233,211	B1	Shoji et al.	05-15-2001	
	A23	US 6,349,081	B1	Shoji et al.	02-19-2002	
	A24	US 6,359,846	B1	Shoji et al.	03-19-2002	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A25	JP	2000-231727		Matsushita Electric Ind Co. LTD	08-22-2000		ABS
	A26	JP	2003-203341		Victor Co. of Japan LTD	07-18-2003		ABS

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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